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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/675,529	09/29/2000	James F. Frye	1662-30200 (P99-2848)	1581	
23505 7:	590 05/23/2003				
CONLEY RO	•	EXAMINER			
P. O. BOX 3267 HOUSTON, TX 77253-3267			SNYDER, I	SNYDER, DAVID A	
			ART UNIT	PAPER NUMBER	
			2122	7	
			DATE MAILED: 05/23/2003	X	

Please find below and/or attached an Office communication concerning this application or proceeding.



## Office Action Summary

Application No.	Applicant(s)			
09/675,529	FRYE ET AL.	FRYE ET AL.		
Examiner	Art Unit			
David A Snyder	2122			

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply** 

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM

- THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.

  If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this con

- Any re	e to reply within the set or extended period for repeply received by the Office later than three months d patent term adjustment. See 37 CFR 1.704(b).	y will, by statute after the mailing	e, cause the applic g date of this com	ration to become ABANDONED (35 U.S.C. § 133). munication, even if timely filed, may reduce any			
Status	December to account of a (A)			•••			
1)[	Responsive to communication(s) f						
2a) <u></u> □	This action is FINAL.	•—	nis action is r				
3) Disposition				for formal matters, prosecution as to the merits is ayle, 1935 C.D. 11, 453 O.G. 213.			
4)🖂	4) Claim(s) 1-14 is/are pending in the application.						
4	a) Of the above claim(s) is/	are withdra	wn from con	sideration.			
5)	Claim(s) <u>8-14</u> is/are allowed.						
6)⊠	Claim(s) <u>1</u> is/are rejected.						
7) 🖂	7)⊠ Claim(s) <u>2-7</u> is/are objected to.						
8) 🗌	Claim(s) are subject to restri	ction and/o	or election re	quirement.			
Application				•			
9)⊠ T	he specification is objected to by the	ne Examine	er.				
10)⊠ T	he drawing(s) filed on <u>01 April 200.</u>	2 is/are: a)[	accepted o	r b)⊠ objected to by the Examiner.			
	Applicant may not request that any ob-	jection to the	e drawing(s) b	e held in abeyance. See 37 CFR 1.85(a).			
11)∐ T	he proposed drawing correction file	ed on	_ is: a) <u> </u>	proved b) disapproved by the Examiner.			
	If approved, corrected drawings are re	equired in rep	ply to this Offi	ce action.			
12) <u> </u>	he oath or declaration is objected t	o by the Ex	caminer.				
Priority u	nder 35 U.S.C. §§ 119 and 120						
13) 🗌 🛚	Acknowledgment is made of a clain	n for foreign	n priority und	er 35 U.S.C. § 119(a)-(d) or (f).			
a)[	All b) Some * c) None of:						
•	1. Certified copies of the priority documents have been received.						
:	2.☐ Certified copies of the priority	document	s have been	received in Application No			
3. Copies of the certified copies of the priority documents have been received in this National Stage							
* Se	application from the Inter ee the attached detailed Office action						
				ler 35 U.S.C. § 119(e) (to a provisional application).			
<ul> <li>a) ☐ The translation of the foreign language provisional application has been received.</li> <li>15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.</li> </ul>							
Attachment(	s)						
2) Notice	of References Cited (PTO-892) of Draftsperson's Patent Drawing Review (I ation Disclosure Statement(s) (PTO-1449) F			Interview Summary (PTO-413) Paper No(s)    Notice of Informal Patent Application (PTO-152)   Other:			

Application/Control Number: 09/675,529

Art Unit: 2122

#### **DETAILED ACTION**

### Information Disclosure Statement

1. The information disclosure statement (IDS), submitted on 14 May 2002, is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### **Drawings**

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: item 171 of Fig. 1. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

## Specification

3. The abstract of the disclosure is objected to because the length exceeds 150 words. Correction is required. See MPEP § 608.01(b).

#### Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Konkle (USPN 6,560,699).

As per claim 1, Konkle discloses, "a processor" (Konkle, col. 7, ll. 51 – 54);

Konkle also teaches, "at least one input/output device coupled to said processor" (Konkle, col. 5, line 64);

Konkle also discloses, "a flashable ROM" and "a non-volatile, non-flashable memory device", both containing configuration data (Konkle, fig 2, items 50, 56, and 58);

Konkle also teaches, "configuration information can be added to the computer system . . . in the non-volatile, non-flashable memory device" (fig. 3, item 114).

#### Allowable Subject Matter

5. Claims 2-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 8-14 are allowed.

As per claim 2, as applied to claim 1 above, and claims 8 and 13, Konkle discloses a computer with a flash ROM and a non-volatile memory, but Konkle does not expressly disclose a set-up routine which examines a flashable ROM then a non-volatile, non-flashable memory device to obtain configuration information for a newly installed device. Islam et al. (USPN 6,058,455; hereafter referred to as Islam) also teaches a flash ROM and a non-volatile, non-flashable memory with a configuration being searched for

Art Unit: 2122

on the flash ROM and then moving to the non-volatile, non-flashable memory area. And Watts (USPN 6,336,161) also discloses installing configuration information from a flash ROM or other non-volatile, non-flashable memory area. However, there is not sufficient motivation for the combination of these elements for the issuance of a rejection on these claims. Claims 3-7, 9-12, and 14 are allowed based on their dependency on claim 2 and 8.

#### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A Snyder whose telephone number is (703) 305-7205. The examiner can normally be reached on Monday - Friday from 9am - 5pm Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg A Morse can be reached on (703) 308-4789. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

dAs May 15, 2003

GREGORY MORSE

SUPERVISORY PATENT EXAMINER

TECHNOLOGY CENTER 2100